

**From:** Perrin, Rebecca [Perrin.Rebecca@epa.gov]  
**Sent:** 6/22/2018 11:17:24 PM  
**To:** Thomas, Deb [thomas.debrah@epa.gov]  
**Subject:** DRA Ag Update

Deb,

Ag update for the weeks of June 18 and 25, 2018.

Rebecca Perrin  
Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA  
1595 Wynkoop Street | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

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**Action Items:**

- Do you want background papers or any other information prior to the July 18 Senior Leadership Council meeting regarding the information below?

**National Ag Updates:**

- **EPA is inviting state (ECOS and NASDA Board members), tribal, and local leaders to the afternoon meeting of Senior Leadership Council on July 18<sup>th</sup>.** The purpose of this meeting is to identify strategies for how EPA can change the way we work with state, tribal, local, and other partners to strengthen cooperative federalism and shared governance in implementing the FY 2018-FY 2022 EPA Strategic Plan. It is anticipated that NASDA Board members may want to discuss:
  - the need to fill the Ag Advisor slot,
  - reinvigorate the Ag FACA and
  - staff appropriately with a Special Assistant,
  - the importance and utility of Ag Advisors in each region, and
  - other topics such as WOTUS, RFS, WPS and C&T.HQ asked the Regional Ag advisors if there are any other high level touch points that may be within the scope of this meeting. Commissioners Doug Goehring (ND) and LuAnn Adams (UT) received invitations to this meeting. These are the same two commissioner who provided general feedback to R8 in response to Doug's questions. Specifically:
  - UT Ag Commissioner feedback: Recommend that EPA have state listening sessions prior to proposing any new rule.
  - ND Ag Commissioner feedback: Recommend R8 solicit feedback from state prior to taking enforcement actions on cases resulting from state conducted inspection using federal credentials.As you may recall R8 was able to incorporate the request of giving additional feedback to states on the status of enforcement cases taken as a result of state inspections using federal credentials. However, it is possible the ND Commissioner may bring this up more generally regarding the need for EPA enforcement programs to provide more compliance assistance to the regulated sector vs issuing penalties.
- **EPA HQ notified state agriculture commissioners of a complaint filed against EPA – *Waterkeeper Alliance et al. v. Pruitt et al.*, No. 3:18cv03521 (N.D. Cal. filed June 13, 2018).** The complaint can be found at the table posted here: [https://www.epa.gov/sites/production/files/2018-06/documents/waterkeeper\\_alliance\\_et\\_al.\\_v.\\_pruitt\\_complaint\\_06.13.18.pdf](https://www.epa.gov/sites/production/files/2018-06/documents/waterkeeper_alliance_et_al._v._pruitt_complaint_06.13.18.pdf).
- **EPA and Army Take Next Step in Joint Efforts to Redefine “Waters of the United States”.** On June 15 EPA and the Department of the Army (Army) sent the proposed “Step 2” rule that would redefine WOTUS to the Office of

Management and Budget for interagency review. The agencies will issue the proposal for public comment after the interagency review process is complete. EPA and the Army are working through a two-step process to consider revisions to the definition of “waters of the United States,” consistent with the February 2017 Presidential Executive Order 13778. For more information: [www.epa.gov/wotus-rule](http://www.epa.gov/wotus-rule). I sent this information to the R8 Commissioners last week.

- **New pesticides worker protection standard training materials.** EPA notified the public that the Agency intends to publish in the Federal Register a notice stating the pesticide safety training materials with the expanded content required by the 2015 FIFRA Worker Protection Standard (WPS) are available for use. The notice of availability will be published in docket EPA-HQ-OPP-2011-0184 on [www.regulations.gov](http://www.regulations.gov). The training materials with expanded content have been available at the [Pesticide Education Resources Collaborative \(PERC\)](http://www.pesticideeducationresources.com) and were developed through an EPA cooperative agreement. EPA also approved training materials developed by other organizations, some of which are available on PERC’s website. Updated training materials must be used 180 days after the publication of the notice in the Federal Register. EPA revised the WPS to implement more protections from pesticide exposure incidents for agricultural workers, handlers, and their families. EPA has also initiated a process to revise certain requirements in the WPS. EPA plans to publish a Notice of Proposed Rulemaking later in 2018 to solicit comments on proposed revisions to the WPS requirements for minimum ages, designated representatives, and application exclusion zones. If the changes to the requirements are finalized, these safety training materials will be amended to reflect such changes. Until such time, all requirements are in effect. I sent this information to the Ag Commissioners last week.

#### **Regional Ag Updates:**

- **Attended Midwestern Association for State Department of Agriculture (MASDA) meeting in Keystone, SD on June 18-20.**
  - Learned a lot about forestry and wool/lamb production. Was able to make new contacts which we will be incorporating into our regional ag contacts list.
  - Met Dustin Oedekoven, SD State Veterinarian, who will be the acting SDDA Acting Secretary of Agriculture starting July 2. I am working with HQ to update their contact lists and will update our R8 contact list too.
- **Request for information from Senator Gardner’s Office regarding the vacated Western Sugars properties in Sterling, CO.** Since receiving the request we have provided a link with a summary report and contact information for the CDPHE employee who is the first contact if the community wishes to request remediation assistance. Laura Jenkins has been assigned by Andrew to help track down the EPA report on from the 2010 technical assistance project on the vacated Western Sugar properties in Sterling, Ft. Morgan and Ovid, CO. She will be providing a scanned copy to Darlene.
- **R8 Smart Sectors Status Update (in order of occurrence):**
  - ND – June 25 from 3-5pm in Minot, ND.
  - SD – July 12 from 1:30-3:30pm (after the SD Governor’s Ag Summit).
  - UT – July 31 from 10-11:30am.
  - CO – July 24 tentative. I am trying to find a location closer to the tour activities. I have reserved the CSU Research Farm as a backup.
- **Ag Tours for the RA:**
  - SD – This was fully planned as of late last Friday, but it is now cancelled. Diane will be on the lookout for another opportunity.
  - CO - Tour is set for July 24. Tour will highlight the water, feed corn and CAFO connection. Once location for smart sectors meeting clears ethics then I will finalize the itinerary.
  - MT – It appears this tour may be back on for July 27. I have not reached out to stakeholder yet, but did draft an itinerary for Diane. She will talk to Doug about it when he returns then I will reach out to see if it works for the stakeholders.

**Meeting of Importance next week:**

- Mon-Fri (6/25- 6/29) – I am doing the Smart Sector meeting and the NDGGA Environmental Tour in Minot, ND.

**Rebecca's schedule next two weeks:**

- Monday (7/2) and Thursday (7/5) – Regular telework days.